

Order

Michigan Supreme Court
Lansing, Michigan

February 3, 2015

Robert P. Young, Jr.,
Chief Justice

149591

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 149591
COA: 320500
Branch CC: 06-038472-FC

GERALD LEE LATTA, JR.,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 2, 2014 order of the Court of Appeals is considered. We DIRECT the Branch County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. The prosecutor shall pay particular attention to the defendant's contention that the jury was reinstructed in the absence of and without notice to defense counsel. The circuit court file contains what purports to be a handwritten note from a juror, which seeks clarification of an element of the charged offense. The court file also contains a typewritten memorandum from the trial judge to the jury foreperson that gives further instruction and defines the element of personal injury/mental anguish. However, the transcript of the January 17, 2007 proceedings contains no mention of this event.


The application for leave to appeal remains pending.



s0126

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 3, 2015


Clerk